

Merchantville, NJ

June 14, 2010

A regular meeting of Borough Council was held at 7:30 PM, Monday, June 14, 2010. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Alloway, Brennan, Perno, Brunton, Brickley arrived at 7:55, Fields, Clerk Brouse, CFO Moules, Attorney Higgins.

PUBLIC HEARING ON ORDINANCE 10-04B Amending Chapter 25 Community Center Resident fees

On a motion of Mr. Brunton and second of Mrs. Fields, Council adopted the following Ordinance.

10-04B

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AMENDING CHAPTER 25, FEES, IN THE CODE OF THE
BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Article II of Chapter 25, Fees for Public Records, in the Code of the Borough of Merchantville is hereby amended as follows:

ARTICLE I. SECTION 25-7 Fee Schedule.

The following schedule of fees is hereby added to the fees so listed in Section 7 of Article II. of Chapter 25 of the Code of the Borough of Merchantville, as follows:

**Merchantville Residents will receive a 20% discount on rentals at the
Community Center with proper proof of residency.**

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

This Ordinance shall take effect upon its passage and publication according to law.

PUBLIC HEARING ON ORDINANCE 10-07 2010 CAPITAL IMPROVEMENT

Gail Ford, 134 S Centre Street, Capital improvement for 2010 used to be listed in budget in a different area other than the operating budget.

On a motion of Mr. Perno and second of Mr. Brennan, Council adopted the following Ordinance.

**BOROUGH OF MERCHANTVILLE, NEW JERSEY
ORDINANCE 10-07**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF
VARIOUS PIECES OF EQUIPMENT AND COMPLETION OF
VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE
BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,
NEW JERSEY; APPROPRIATING THE SUM OF \$401,500
THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL
OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF
THE BOROUGH OF MERCHANTVILLE, COUNTY OF**

**CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL
AMOUNT OF UP TO \$191,425; MAKING CERTAIN
DETERMINATIONS AND COVENANTS; AND AUTHORIZING
CERTAIN RELATED ACTIONS IN CONNECTION WITH THE
FOREGOING**

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Merchantville, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$401,500;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$191,425; and
- (c) a down payment in the amount of \$10,075 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$191,425, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,075, which amount represents the required down payment, and the sum of \$200,000, which amount represents grants from the New Jersey Department of Transportation, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$191,425 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$191,425 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$80,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimate</u> <u>d</u> <u>Total</u> <u>Cost</u>	<u>Down</u> <u>Payment</u>	<u>Grant /</u> <u>Aid</u>	<u>Amount of</u> <u>Obligation</u> <u>\$</u>	<u>Period of</u> <u>Usefulne</u> <u>ss</u>
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<u>Purpose/Improvement</u>		<u>Estimate d Total Cost</u>	<u>Down Payment</u>	<u>Grant / Aid</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
A.	Reconstruction of and Improvements to Locust Street, all as more particularly described in the Capital Improvement Plan on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$235,000	\$1,750	\$200,000	\$33,250	10 years
B.	Improvements to Municipal Buildings and Grounds including, but not limited to, the replacement of the Fire Department Ramp and Improvements to the Community Center, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	80,000	4,000	0	76,000	15 years
C.	Acquisition of Various Equipment for the Police Department including, but not limited to, a four wheel drive vehicle, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	26,000	1,300	0	24,700	5 years
D.	Acquisition of Various Equipment for the Public Works Department including, but not limited to, landscaping and snow removal equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	15,000	750	0	14,250	15 years
E.	Acquisition of Various Equipment for the Fire Department including, but not limited to, Turn-out Gear and Breathing Apparatus, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	38,000	1,900	0	36,100	5 years
F.	Acquisition of Computer Equipment for Construction, Planning and Property Maintenance, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	7,500	375	0	7,125	5 years

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Payment</u>	<u>Grant / Aid</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
TOTAL	\$401,5 00	\$10,075	\$200,0 00	\$191,425	

Section 8. The average period of useful life of the several purposes for the financing of which this bond ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purpose, is not less than 10.58 years.

Section 9. Grants in addition to those identified in Section 7 above or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$191,425 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

Date of Introduction: May 10, 2010

Date of Final Adoption: June 14, 2010

PUBLIC

Karen Foster, 51 Volan Street, Request approval for a block party on Volan Street in August, Morris to Victoria Street closing, will have info at July meeting on Agenda.

Russ Loue, 16 Morris Street, Presented a portion of a petition to study consolidation with Cherry Hill that was on line. As individual not to force consolidation but to implore Mayor and Council to look at consolidation. This group started because the state is forcing the hand of the Borough. We are paying more for less.

Ruby Garret, 215 Browning Road, speed on Browning Road, we need a speed monitor. Whatever could be done would be appreciated.

Alex Woschenko, 8 Morris Street, Regarding the Bikeway cost, what would be our share? We are approved to spend up to \$75,000.

Randy Oakford, 5 West Maple Avenue, Regarding the Town Centre East Redevelopment, will there be more apartments then parking spots, will there be a parking problem in town? The Borough can't have a thriving business district without parking.

Lisa Kruczek, 123 Westminster Avenue, presented portion of petition to study consolidation with Cherry Hill, she looking to better our town.

Bob Stocker, 7 Lexington Avenue., presented portion of petition to study consolidation with Cherry Hill looking for a better town.

Natalie Guertler, 115 Westminster Ave., presented portion of petition in favor of consolidating and looking at high school situation.

Marion Carlin, 202 Poplar Avenue, Board of Elections worker, real estate agent did open house for Russ Loue home but the town has school issues. Encouraging council to do a study to improve school situation.

Kathleen Parris, 15 Linden Avenue, presented portion of petition to study consolidation with Cherry Hill, loves Merchantville but worried about school cuts and it could mean closing the school.

Pam Matakounis, 501 Maple Avenue, does not support the total consolidation. Police and fire are wonderful here, lived in a large town and did not get the response. The school has to change. A higher level of education is necessary. Was part of the look in school change years ago. Merge school district is the only way to change.

Loredana Rubino, 114 Leslie Avenue, presented portion of petition to study consolidation with Cherry Hill, most have young children on this list. Some are seniors and the concern is broad.

Steve Rogers, 12 Lexington Avenue, read article that solicitor has been collecting pension. (Solicitor is not collecting a pension). Regarding the petition to merge with Cherry Hill, only the school situation was discussed. We do not want to lose police, public works, and services and do not want that, but we should change the situation with Pennsauken. Suggest that we back away from consolidation and take control of the town, does not want to pass debt on to next years to come.

Mike Callahan, 214 Glenwood Avenue, Does the town have a maintenance plan for trees at the curb? Is it correct that we do not cut tree at sidewalk area, large limb has fallen on Glenwood Ave.; large drainage ditch is filled with stagnant water behind Glenwood Avenue. We will contact NJ transit. Have a fantastic grade school, have a problem with Pennsauken High School, have a problem with Municipal works and total consolidation, not affect of grade school.

Louie Reisse, 48 W Walnut Avenue, tree issues on her street. Limbs are dead and falling that need to be cut.

Albert Fidelli, 123 Westminster Avenue, we dead branches on West End Avenue, we never see Shade Tree or Public Works.

Jim Moore, 19 Springfield Avenue, curious about petition, painful issue for high school. The best case would be to keep the town and make changes to school. Efforts should be directed to school board and they want to solve this issue. Consolidation came up at council because we do not have enough in budget. Funding problems are the issue here and it should be corrected. Cuts should happen not spending on items like bike bath and properties.

Tom Evaul, 125 St. James Avenue, 36 graduates from Merchantville, 6 going to Pennsauken, don't know ramifications of consolidation, Police, Schools, Athletic field, will negotiations be possible? Look at everything.

Charles Filter, 15 Linden Avenue, 6 years in Merchantville, friendliness and this town is a jewel, school is an issue, urge a feasibility study, heartwarming to see residents present feedback tonight. Info in newsletter, Is it feasible?

Richard James, 130 Westminster Avenue, 30 year resident, schools are the issue, have been a responsible council in past years, believes that Merchantville will be forced to merge at some point, we should be able to make the choice.

Bobbi Stagliano, 1 E Chestnut Avenue, Governor is saying consolidate everything, we are dedicated to Merchantville, Erlton is part of Cherry Hill. We will be absorbed by someone. Maybe we can keep our identity by being proactive.

Tony Stagliano, 1 E Chestnut Avenue, has spent 33 years teaching in Cherry Hill, different neighborhoods are in Cherry Hill.

Alex Woschenko, 8 Morris Street, what he is hearing is that we are throwing in the towel? We can solve our own problems.

Kathy Birmingham, 14 Morris Street, has lived 32 years in Merchantville. Trees were an issue last year. Property value is stagnated.

Mayor responded to Kathy's statement. Mr. Brunton and Mr. Perno responded.

Tom Evaul, 125 St. James Avenue, what is the statue of the web site, it is on line live.

Loredana Rubino, 114 Leslie Avenue, Voucher program is based on school criteria and income, look into it. We don't think council has a choice. We want it now.

Gail Ford, 134 S Centre Street, will not get out of Pennsauken school relationship unless we consolidate.

Engineer's Report

Correspondence

COUNCIL REPORTS

Mrs. Fields reported Personal manual review with employees has taken place, Parks & Playgrounds begins June 28 through July each morning. Planning Board has 3 applications. Mr. Brennan will look at fence & swimming pool ordinance.

Bill Watson reported that there were 7 resales, 8 warnings, 6 abandoned properties working on Drug Alliance with Bowling party and Riversharks.

Mr. Brickley reported that the town clean up was completed by Public Works in May. Mr. Alfred is getting better, he is a valuable resource. Cherry Hill is part of trash consortium and we will evaluate the study when it is complete.

Mr. Brunton reported on June 9th Shade Tree meeting, July 14th is the next meeting.

Mr. Perno reported that bathrooms are complete at Senior Center.

Mr. Brennan reported that Court collected \$13,842, added 399 cases, dispensed 350 cases. Birthday celebration was successful, thank you to committee for their work.

Mr. Alloway reported Police had 297 calls, 265 traffic stops, 30 criminal arrests, 168 tickets for Click it or Ticket. Police vehicle sold for \$2,700 on ebay. Children issues have been addressed. The Chief has been trying to work with Pennsauken on Browning Road for speed sign. Certified police child seat installation. Board of Health meeting last week, Rabies Clinic, 2nd week of October.

OLD BUSINESS

NEW BUSINESS- Introduction of the following Ordinances for adoption at the July 12th council meeting.

On a motion of Mr. Brickley and second of Mr. Brunton, Council introduced the following Ordinance:

ORDINANCE NO. 10-08

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, NEW JERSEY, AUTHORIZING THE
GUARANTY BY THE BOROUGH OF THE PAYMENT OF THE
PRINCIPAL OF AND INTEREST ON THE WATER REVENUE**

**BONDS, IN ONE OR MORE SERIES, PROJECT NOTES, OR
OTHER OBLIGATIONS EVIDENCING DEBT TO BE ISSUED
BY THE MERCHANTVILLE-PENNSAUKEN WATER
COMMISSION, IN AN AGGREGATE PRINCIPAL AMOUNT
NOT TO EXCEED \$1,200,000 FOR THE PURPOSE OF
PROVIDING ADDITIONAL SECURITY FOR THE PAYMENT
OF SAID REVENUE BONDS OR BOND ANTICIPATION
NOTES; AND DETERMINING CERTAIN MATTERS IN
CONNECTION THEREWITH**

BACKGROUND

WHEREAS, the Merchantville-Pennsauken Water Commission ("Commission"), a body politic of the State of New Jersey, situated at 20 West Maple Avenue, Merchantville, New Jersey 08109, has been duly organized in accordance with the provisions of *N.J.S.A. 40:62-108 et seq.*; and

WHEREAS, the Commission is jointly owned by the Borough of Merchantville, County of Camden, New Jersey ("Borough") and the Township of Pennsauken, County of Camden, New Jersey ("Township") in the following percentages:

Borough of Merchantville	11.58%
Township of Pennsauken	<u>88.42</u>
	<u>100.00%</u>

WHEREAS, the Commission has determined there exists a need within its service area for various improvements to its water system ("Water System") consisting of reclaiming water from the Maple Shade Wastewater Treatment Plant and re-using that water for irrigation purposes for the Pennsauken County Club Golf Course in the Township ("2010 Project"); and

WHEREAS, the Commission has determined to finance the costs of the 2010 Project through the issuance of its water revenue bonds, project notes or other obligations evidencing debt, in an aggregate principal amount not to exceed \$1,200,000 (collectively, the "Obligations"); and

WHEREAS, the Commission intends to finance the 2010 Project by the issuance of the Obligations through the New Jersey Environmental Infrastructure Trust 2010 Financing Program, or through a public or private sale, as may be determined by Commission; and

WHEREAS, the Borough Council, after due deliberation, has ascertained that it will be in the best interest of the Commission to issue any such Obligations to finance the costs of the 2010 Project; and

WHEREAS, it is the desire of the Borough to guarantee repayment of any such Obligations in the event of a default by the Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, AS FOLLOWS:

Section 1. The Borough hereby guarantees repayment of the principal of and interest on any Obligations issued by the Commission in connection with the 2010 Project, when due, in the event the Commission is unable to make such payment.

Section 2. Said unconditional guarantee by the Borough shall be to the full extent of its ownership interest in the Commission, that being 11.58% of the amount of any default by the Commission.

Section 3. The term of this Ordinance shall extend until all Obligations issued by the Commission in connection with the 2010 Project have been paid in full.

Section 4. All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.

Section 5. This Ordinance shall take effect upon publication and final enactment as provided by law.

On a motion by Mr. Perno and second of Mr. Brennan, with Mr. Brunton voting no, Council introduced the following Ordinance:

**BOROUGH OF MERCHANTVILLE, NEW JERSEY
ORDINANCE 2010: 10-09**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF
VARIOUS PIECES OF EQUIPMENT AND COMPLETION OF
VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE
BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,
NEW JERSEY; APPROPRIATING THE SUM OF \$844,300
THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL
OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF
THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL
AMOUNT OF UP TO \$179,835; MAKING CERTAIN
DETERMINATIONS AND COVENANTS; AND AUTHORIZING
CERTAIN RELATED ACTIONS IN CONNECTION WITH THE
FOREGOING**

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Merchantville, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$844,300;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$179,835; and
- (c) a down payment in the amount of \$9,465 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$179,835, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$9,465, which amount represents the required down payment, and the sum of \$655,000, which amount represents grants from the New Jersey Department of Transportation, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$179,835 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$179,835 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$170,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Paymen t</u>	<u>Grant / Aid</u>	<u>Amount of Obligatio ns</u>	<u>Period of Usefulne ss</u>
A. Reconstruction of and Improvements to Morris Avenue and Prospect Avenue, together with the installation of Curb Cuts along Maple Avenue, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$409,300	\$3,965	\$330,000	\$75,335	10 years
B. Reconstruction of and Improvements to the Borough's Bike Path, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	400,000	3,750	325,000	71,250	10 years
C. Acquisition of Various Equipment for the Police Department including, but not limited to Vehicle Camera Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	35,000	1,750	0	33,250	5 years
TOTAL	\$844,300	\$9,465	\$655,000	\$179,835	

Section 8. The average period of useful life of the several purposes for the financing of which this bond ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purpose, is not less than 9.07 years.

Section 9. Grants in addition to those identified in Section 7 above or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is

increased by this Bond Ordinance by \$179,835 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

RESOLUTION R10-68-APPROVAL TO READ BUDGET BY TITLE ONLY: On a Motion of Mr. Brennan and second of Mr. Brickley Council approved the following resolution:

R10-68

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995, provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing a complete copy of the budget has been made available for public inspection in the

free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public office delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the Budget shall be read by title only.

RESOLUTION R10-69-Budget adoption: On a Motion of Mr. Brennan and second of Mr. Brickley, Council approved the following resolution

R10-69

**RESOLUTION ADOPTING THE 2010 MUNICIPAL BUDGET OF THE
BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN IN THE STATE OF
NEW JERSEY**

BE IT RESOLVED by the Borough Council of the Borough of Merchantville, County of Camden that the budget hereinafter set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$4,171,315.75 for municipal purposes, and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

SUMMARY OF REVENUES:

General Revenues:	
Surplus Anticipated	400,000.00
Miscellaneous Revenues Anticipated	1,243,079.75
Receipts from Delinquent Taxes	380,000.00
Amount to be Raised by Taxation for	
Municipal Purposes	<u>2,148,236.00</u>
TOTAL REVENUES	\$ 4,171,315.75

GENERAL APPROPRIATIONS:

WITHIN "CAPS":	
Operations including Contingent	\$ 2,937,652.00
Deferred Charges and Statutory	
Expenditures – Municipal	334,406.59
EXCLUDED FROM "CAPS":	
Operations – Total Operations Excluded	
From "CAPS"	18,598.41
Deferred Charges –Municipal	4,000.00
Transferred to Board of Education for Use of Local Schools	78,325.00
Capital Improvements	.00
Municipal Debt Service	359,880.00
Reserve for Uncollected Taxes	<u>438,453.75</u>
TOTAL APPROPRIATIONS	\$ 4,171,315.75

RESOLUTION R10-70-Chapter 159 Special items of revenue: On a Motion of Mr. Brennan and second of Mr. Alloway, Council approved the following resolution:

R10-70

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY REQUESTING
APPROVAL OF SPECIAL ITEMS OF REVENUE**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount; and

WHEREAS, the Municipal Drug Alliance Program requires a match to the grant in the amount of \$ 4,275.00 from the Municipal Budget Matching Funds for Grants budget line;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Merchantville, in the county of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2010 in the sum of \$ 22,422.19, which is now available as a revenue from the State Pursuant to the provision of the statute, and

BE IT FURTHER RESOLVED that the like sum of \$ 22,422.19 is hereby appropriated under the caption Special items of General Revenue; and

BE IT FURTHER RESOLVED that the above is a result of a State grants of \$ 22,422.19 from:

Recycling Tonnage Grant (2007 Payout)	2,654.79
Federal Bulletproof Vest Program (2009)	326.00
2010 Click it or Ticket Grant	4,000.00
Municipal Drug Alliance Program	8,713.00
Clean Communities Grant (2010)	5,855.90
Bulletproof Vest Fund – Rotary Club Donation	31.25
Criminal Justice Body Armor Replacement Grant (2009)	841.25
TOTAL	22,422.19

RESOLUTION to be read by Consent Agenda: On a Motion of Mr. Alloway and second of Mr. Brennan, Council approved the following resolutions by Consent Agenda:

**R10-71
RESOLUTION TO RENEW ABC PLENARY RETAIL
CONSUMPTION LICENSE**

WHEREAS, MANSAUR INC., 2 South Centre Street has applied for renewal of their Plenary Retail Consumption License for the year ending June 30, 2011 and applications have been filed with checks to the Borough of Merchantville in the amount of \$800.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

WHEREAS, Councilor Alloway, Director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Consumption License #0424-33-003-006 to MANSUR INC.

**R10-72
RESOLUTION TO RENEW ABC PLENARY RETAIL**

DISTRIBUTION LICENSE

WHEREAS, Mitchell Z Liquors, Inc., 11 West Park Avenue, has applied for renewal of their Plenary Retail Distribution License for the year ending June 30, 2011 and applications have been filed with checks to the Borough of Merchantville in the amount of \$800.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

WHEREAS, Councilor Alloway, Director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Distribution License #0424-44-002-008 to Mitchell Z Liquors, Inc.

R10-73**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY TO APPROVE A RAFFLE LICENSE FOR THE MERCHANTVILLE JUNIOR WOMAN'S CLUB**

WHEREAS, the Merchantville Junior Woman's Club has applied for and received an identification number 299-8-34766 allowing the Junior Woman's Club the ability to conduct raffle licenses with proper approval; and

WHEREAS, the Merchantville Junior Woman's Club has properly completed the raffle license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$20.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant ; and

WHEREAS, Councilor Alloway, Director of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that he recommends the granting of said license; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Raffle license numbered 10-01JWC to the Merchantville Junior Woman's Club for the raffle taking place on July 10, 2010.

R10-74**RESOLUTION CERTIFYING A LIEN AGAINST CERTAIN PROPERTIES FOR COSTS INCURRED BY THE BOROUGH OF MERCHANTVILLE IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODE**

WHEREAS, in accordance with Chapter 3 of the Code of the Borough of Merchantville entitled the "Property Maintenance Code", notice of noncompliance was sent to the following properties: 174 Prospect Street and 109 Myrtle Avenue; and

WHEREAS, said property owners did not comply with said notice and the Merchantville Public Works Department was ordered to abate the violations; and

WHEREAS, the cost to abate the property maintenance violations were as follows: 109 Myrtle Avenue-Labor--\$141.46, 174 Prospect Street-Labor--\$109.04.

WHEREAS, it is the desire of this Governing Body, in accordance with Chapter 60B of the Code of the Borough of Merchantville, to certify said costs incurred by the Merchantville Public Works Department as a lien against the properties known as 174 Prospect Street and 109 Myrtle Avenue in accordance with Chapter 3 of the Code of the Borough of Merchantville.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the following lien is hereby certified as against the property as noted in accordance with Chapter 3 of the Code of the Borough of Merchantville:

174 Prospect Street	\$109.04
109 Myrtle Avenue	\$141.46

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this resolution to the owner(s) of the subject property.

BE IT FURTHER RESOLVED that the Tax Collector shall be responsible for collection of the amounts herein certified.

PAYMENT OF BILLS:

On the motion of Mr. Alloway and second of Mr. Perno, Council approved the following bills for payment:

R10-75 RESOLUTION

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bills approved therein.

Borough of Merchantville Current Fund	Bill List Summary	June 14, 2010 Revenue fund
Checks Current Fund	2010 Budget	\$100,950.67
	2009 Budget	\$817.09
	Payroll	
	State / Federal Grants	\$35,044.06
	Debt Service	\$254,775.25
	Board of Education	
	Revenue Current	\$6,308.11
	Checks Delivered	\$38,251.50
	Total Current	\$6,308.11 \$429,838.57
Sewer Utility Fund	2010 Budget	\$14,238.47
	Payroll	
	Debt Service	
	Checks Delivered	
	Total Sewer	\$14,238.47

Recreation Commission	2010 Budget		\$1,917.77
	Payroll		
	Revenue Rec	1,137.50	
	Checks Delivered		
	Total Recreation	1,137.50	\$1,917.77
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General Capital Fund	2010 Budget		\$7,571.04
Sewer Capital Fund	2010 Budget		\$1,380.00
	Payroll		
	Checks Delivered		
	Total Capital		\$8,951.04
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Trust-Other Fund	2010 Budget		\$1,822.87
	Payroll		
	Checks Delivered		
	Total Trust		\$1,822.87
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Animal Trust Unemployment	2010 Budget		\$6.60
	2010 Budget		\$90.13
	Checks Delivered		
	Total		96.73
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Total Bill list	Revenue \$ 7,445.61	Budget	\$456,865.45

DIRECTOR OF ACCOUNTS & AUDITING
PATRICIA FIELDS

ADJOURNMENT:

On the motion of Mr. Brickley second of Mr. Perno the meeting was adjourned at 9:46 PM.

DENISE BROUSE
BOROUGH CLERK